

Application No.: 09/479,736
Reply to Office Action of February 12, 2003
Amendment Dated March 31, 2005

Remarks:

Status of Claims

Claims 1-9 and 11-20 are currently pending in view of the accompanying petition to revive an application abandoned due to unavoidable delay. A Rule 131 declaration and a request for continued examination (RCE) also accompany this Amendment.

Office Action

In the outstanding Office Action dated February 12, 2003, the Examiner rejected all pending claims under 102(e) as anticipated by Kung et al. (U.S. Patent No. 6,252,952). Kung is available as a reference under 102(e) as of its filing date of December 30, 1999. The present application has a filing date of January 7, 2000. Attached hereto is a declaration under 37 C.F.R. 1.131 which establishes both conception of the subject matter of claims 1-9 and 11-20 prior to the effective reference date of Kung and due diligence from prior to the reference date to the filing date of the application (constructive reduction to practice).

Applicant understands that the accompanying Rule 131 affidavit is submitted after final rejection. However, Applicant's delay in prosecution, including the delayed submission of the Rule 131 affidavit and accompanying exhibits, was unavoidable due to prolonged and serious illness, as evidenced by the accompanying petition to revive. Such prolonged and serious illness establishes good and sufficient reason for the delayed presentation of the Rule 131 affidavit. Thus, the Rule 131 affidavit should be treated as timely submitted.

In view of the Rule 131 declaration, Kung may not be relied upon as a basis of rejection as Kung does not claim the same subject matter as the present application (see MPEP § 715). Thus, the rejection of the pending claims is no longer proper.

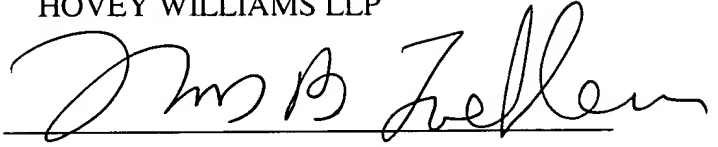
Thus, applicant submits that claims 1-9 and 11-20 are now in allowable condition and requests a Notice of Allowance. In the event of further questions, the Examiner is urged to call the undersigned. Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

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Respectfully submitted,

HOVEY WILLIAMS LLP

BY: _____

A handwritten signature in cursive script, appearing to read "T B Luebbering", written over a horizontal line.

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